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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

8 Plaintiff,

9 v.

**ORDER**

10 RYAN W. PAYNE,

(Mot. to Compel – ECF No. 2329)

11 Defendant.

12 This matter is before the court on Defendant Ryan W. Payne's Motion to Compel  
13 Discovery and Seek Other Relief in Light of August 24, 2017 Dan Love OIG Report (ECF  
14 No. 2329). This Motion is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and  
15 LR IB 1-3 of the Local Rules of Practice. The court has considered the Motion, the Government's  
16 Response (ECF No. 2590), and Payne's Reply (ECF No. 2592).

17 This motion asserts on information and belief that Bureau of Land Management (BLM)  
18 former Special Agent Dan Love engaged in misconduct during the Gold Butte operation that it the  
19 subject of the Superseding Indictment (ECF No. 27) in this case. The allegation is based on a  
20 follow-up report released by the Office of the Inspector General (OIG) on August 24, 2017,  
21 substantiating two reports of misconduct involving Love. Payne's motion seeks a full inquiry to  
22 answer questions about Love's written communications regarding the Gold Butte operation. At a  
23 minimum, Payne asks the court to compel the government to disclose an unredacted version of the  
24 August 2017 report and provide unredacted copies of the investigative materials and attachments  
25 involved in both Dan Love OIG reports, as well any other information in the government's  
26 possession bearing on Love's credibility and misconduct. Payne acknowledges requesting similar  
27 relief with regard to the first OIG report in a prior motion. *See* Motion for Unredacted OIG Report  
28 (ECF No. 1807).

1 At calendar call on October 3, 2017, Chief District Judge Gloria M. Navarro granted  
2 Payne's Motion for Unredacted OIG Report (ECF No. 1807) and ordered the prosecution team to  
3 disclose an unredacted copy of both OIG reports and related attachments. *See* Mins. of  
4 Proceedings (ECF No. 2608); Hr'g Tr. (ECF No. 2641). In addition, the Judge Navarro granted  
5 an evidentiary hearing in relation to Payne's Renewed Motion to Dismiss Regarding Destruction  
6 of Evidence (ECF No. 1878), which was also premised on Dan Love's alleged misconduct. *See*  
7 Order / Report & Recommendation (ECF No. 2313).

8 On October 23, 24, 25, and November 3, 2017, an evidentiary hearing was held with  
9 defendants eliciting testimony from seven subpoenaed witnesses, including Dan Love. *See* Mins.  
10 of Proceedings (ECF Nos. 2768, 2776, 2782, 2813); Evid. Hr'g Trs. (ECF Nos. 2802, 2803, 2805,  
11 2806, 2859). At the conclusion of the evidentiary hearing on November 3, 2017, Judge Navarro  
12 found that no bad faith action had occurred. *See* Mins. of Proceedings (ECF No. 2813). She  
13 therefore accepted the undersigned's Report & Recommendation (ECF No. 2313) and denied  
14 Payne's Renewed Motion to Dismiss Regarding Destruction of Evidence (ECF No. 1878). *Id.*

15 Prior to the evidentiary hearing, Payne filed a Sealed Motion to Dismiss or for Other Relief  
16 in Light of OIG Disclosures (ECF No. 2727). Judge Navarro set a briefing schedule and heard  
17 oral argument on this motion on November 13, 2017. The motion was granted in part and denied  
18 in part. Judge Navarro has addressed the requests for relief Payne set forth in the Motion to  
19 Compel (ECF No. 2329) in the context of other motions. *See, e.g.,* Mins. of Proceedings (ECF  
20 Nos. 2608, 2813, 2853).

21 Accordingly,

22 **IT IS ORDERED:** Defendant Ryan W. Payne's Motion to Compel (ECF No. 2329) is  
23 **DENIED** as duplicative.

24 Dated this 28th day of November, 2017.

25   
26 PEGGY A. LEEN  
27 UNITED STATES MAGISTRATE JUDGE  
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